

FILED

2017 MAY 10 A 11:30

ORANGE CO., C.S.C.

BY

Return to: Anne Marie Tosco, Associate Attorney, Orange County, P.O. Box 8181,
Hillsborough, North Carolina 27278

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

ORANGE COUNTY

SUPERIOR COURT DIVISION
17 CVS 256

ORANGE COUNTY, a North Carolina
County,

Plaintiff,

v.

Buddha LLC,

Defendants.

)
)
) **FINAL CONSENT JUDGEMENT**
) **(EMINENT DOMAIN ACTION)**

) **(N.C. Gen. Statutes Chapter 40A – 54)**
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This cause came to be heard before the undersigned Superior Court Judge, upon Plaintiff's motion for final judgment, and it further appearing to the Court and the Court finding as fact that:

1. This action was duly instituted on February 21, 2017, by the issuance of summons and the filing of a Complaint, Declaration of Taking, and Notice of Deposit, along with the deposit into the Court of one thousand seven hundred and fifty-four dollars and twenty-eight cents (\$1,754.28), the sum estimated by Plaintiff to be just compensation for the taking of the Defendant's property described in the Complaint, Declaration, and Notice, which property is described hereinafter as "the condemned property."
2. This condemnation action is taken by Orange County ("County") to promote the public safety and welfare, to provide for construction and installation of a sanitary sewer line for the Historic Rogers Road area of Orange County, North Carolina.

3. Not less than 30 days prior to the filing of the complaint, Plaintiff provided notice required in the manner set forth in G.S. §40A-40.
4. Summons, together with a copy of the Complaint, Declaration, and Notice, were duly served upon the Defendant, who represents all the parties having or claiming to have an interest in the property.
5. The County and Defendant have negotiated terms of settlement in this case, wherein the Defendant Buddha, LLC agrees to accept the sum of one thousand seven hundred and fifty-four dollars and twenty-eight cents (\$1,754.28) as just compensation for the taking of Defendant's property. The parties further agree as follows:
 - a. The County and its agents, successors, and assigns agree to comply with industry standards for placing manholes in future streets on Defendant's property, while acknowledging that rim elevations of manholes may be adjusted by a developer to accommodate potential roads when actual road design is completed.
 - b. Sewer lines shall be placed on the condemned property in such a manner that future installation of water lines within the sewer easement area shall be possible. The County or its agents, successors, or assigns, shall conduct final site plan review, and shall determine the location of water mains to serve future development on Defendant's property, while acknowledging that the site plan may dictate the necessity of a new water easement based on the development plan.
 - c. If Defendant's property is developed in the future and the developer of the property relocates the existing water line and dedicates a new water easement, the County, or its agent, successor, or assign, shall release the previously existing water easement.
 - d. Sewer installation on Defendant's property shall be accomplished in a manner which will allow for future NC DOT-approvable road access without modification, other than to the grade and/or elevation of manholes.
 - e. The County shall duly record this Final Consent Judgment, when fully executed, in the Orange County Register of Deeds.
6. All parties have agreed to final disposition of this matter on the terms described in this Consent Judgment.

WHEREUPON, THE COURT CONCLUDES AS A MATTER OF LAW THAT:

1. Plaintiff Orange County was entitled to acquire by condemnation and did acquire the condemned property.

2. The sum of one thousand seven hundred and fifty-four dollars and twenty-eight cents (\$1,754.28) is just compensation for the condemned property acquired by Plaintiff by eminent domain.
3. These proceedings, as far as is disclosed by the pleadings, are regular in all respects, and no reason exists not to enter final judgment.

NOW THEREFORE, IT IS ADJUDGED AND ORDERED that:

1. Final judgement is hereby entered.
2. Plaintiff, Orange County, on February 21, 2017, by the filing of a Complaint, Declaration of Taking, and Notice of Deposit, was permanently vested with title to the CONDEMNED PROPERTY, located in Orange County, North Carolina and identified by PIN 9870-44-0259 and further described as follows:

DESCRIPTION OF THE SANITARY SEWER UTILITY EASEMENT

Being part of the property as recorded in Deed Book 4435 at Page 507, Orange County Registry, containing 12,484 square feet for a sewer utility easement as shown on the map prepared by Jeffrey S. Munn, for Orange County entitled "Sewer Easement Exhibit Prepared for Orange Water & Sewer Authority Property of Buddha, LLC" dated February 29, 2016 and recorded in Deed Book 6266 at Pages 420-421, Orange County Registry.

DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT

Being part of the property as recorded in Deed Book 4435 at Page 507, Orange County Registry, and extending no more than ten (10) feet beyond each surveyed boundary line, not running with a roadway right of way, of the location of the Sanitary Sewer Easement described herein, and as shown on the map prepared by Jeffrey S. Munn for Orange County entitled "Sewer Easement Exhibit Prepared for Orange Water & Sewer Authority Property of Buddha, LLC" dated February 29, 2016 and recorded in Deed Book 6266 at Pages 420-421, Orange County Registry.

3. The PROPERTY INTEREST taken is a perpetual a sanitary sewer utility easement and a temporary construction easement for the Historic Rogers Road Sanitary Sewer Expansion Project, with all the rights, privileges and appurtenances belonging thereto.
4. The LAND AFFECTED is the real property located in Orange County, North Carolina, identified by PIN 9870-44-0259 and further described as follows:

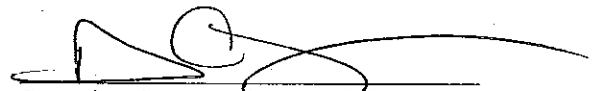
Being all of the property as recorded in Deed Book 4435 at Page 507, Orange County Registry, North Carolina; containing 2.67 acres as shown in the

Geographic Information System for Orange County, and on the map prepared by Jeffrey S. Munn, for Orange County entitled "Sewer Easement Exhibit Prepared for Orange Water & Sewer Authority Property of Buddha, LLC" dated February 29, 2016 and recorded in Deed Book 6266 at Page 420-421, Orange County Registry.

5. The amount of just compensation for the property to be paid to Defendant is one thousand seven hundred and fifty-four dollars and twenty-eight cents (\$1,754.28).
6. The deposit shall be disbursed by the Clerk of Court as follows: one thousand seven hundred and fifty-four dollars and twenty-eight cents (\$1,754.28) payable to Buddha, LLC, located at 1220 Talleyho Trail, Chapel Hill, North Carolina, 27516.
7. Except for the obligations outlined the terms of settlement referred to in Finding of Fact Paragraph 5, the Plaintiff is hereby released from all claims, as to the Defendant consenting hereto, that arise or that might have arisen under the pleadings in this action.
8. Plaintiff shall cause to be recorded a copy of this Consent Judgment with the Register of Deeds in any county in which the subject premises are located.

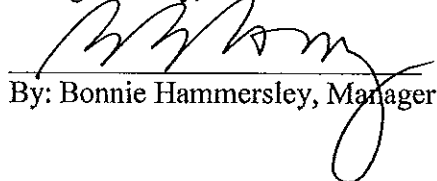
IN TESTIMONY WHEREFORE, the parties have hereunder set their hands and seals.

This is the 10th day of MAY, 2017.

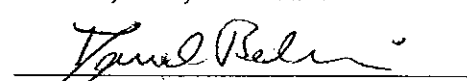

Superior Court Judge Presiding


We consent:

Orange County, Plaintiff


By: Bonnie Hammersley, Manager

Buddha, LLC, Defendant


By: David Bellin, Manager

CERTIFIED TRUE COPY FROM ORIGINAL
Clerk of Superior Court Orange County
By: 
Assistant Deputy Clerk of Superior Court
Date: 5/10/17